

House File 258 - Introduced

HOUSE FILE 258

BY HORBACH

A BILL FOR

1 An Act providing for hunting preserves confining swine, which
2 is a member of the species *sus scrofa linnaeus*, making
3 penalties applicable, and including contingent effective
4 date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 484B.1, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 01. "*Boar*" means a member of the species
4 *sus scrofa linnaeus*, including but not limited to swine
5 commonly known as a Russian boar or European boar of either
6 sex.

7 Sec. 2. Section 484B.4, subsection 1, Code 2011, is amended
8 to read as follows:

9 1. A person who owns or controls by lease or otherwise for
10 five or more years, a contiguous tract of land having an area
11 of not less than three hundred twenty acres, and who desires
12 to establish a hunting preserve, may apply to the department
13 for a hunting preserve operator's license under this chapter or
14 rules adopted by the commission. The application shall allow
15 the person to propagate and sell game birds and their young or
16 unhatched eggs, and shoot game birds and or ungulates on the
17 land, under this chapter or the rules of the commission, shall
18 make application to the department for an operator's license;
19 or breed, raise, or maintain boars for hunting on the land.
20 The application shall be made under oath of the applicant or
21 under oath of one of its principal officers if the applicant
22 is an association or corporation. Under the authority of this
23 license, any property or facilities to be used for propagating,
24 holding, processing, or pasturing of game ~~birds or ungulates~~
25 shall not be required to be contained within the contiguous
26 land area used for hunting purposes. The application shall be
27 accompanied by an a hunting preserve operator's license fee of
28 two hundred dollars.

29 Sec. 3. NEW SECTION. **484B.5A Boars.**

30 1. A person issued a hunting preserve operator's license
31 under section 484B.4 may confine a boar within a hunting
32 preserve subject to the license as provided in this section.

33 2. a. A hunting preserve holding and releasing boars shall
34 be enclosed by boundary fences which confine boars within
35 the hunting preserve and which exclude all other swine from

1 entering into the hunting preserve. A boar may be released
2 within the hunting preserve for purposes of hunting.

3 *b.* A hunting preserve holding and releasing boars shall
4 have signs posted on or near the boundary fences in a manner
5 that reasonably notifies the public that the hunting preserve
6 maintains boars.

7 *c.* A hunting preserve shall not confine a boar unless it has
8 been born and reared in captivity.

9 3. The department shall adopt rules necessary to administer
10 and enforce this section.

11 Sec. 4. Section 484B.7, subsection 2, Code 2011, is amended
12 to read as follows:

13 2. Each licensee shall file an annual report with the
14 department on or before April 30. The report shall detail the
15 hunting preserve operations during the preceding license year.
16 The original report shall be forwarded to the department and a
17 copy shall be retained in the hunting preserve's file for three
18 years from the date of expiration of the hunting preserve's
19 last license issued. Records required by this section shall be
20 entered in the annual report record within twenty-four hours
21 of the event. Failure to keep or submit the required records
22 and reports is grounds for refusal to renew a license for
23 the succeeding year. An on-site inspection of property and
24 facilities shall be conducted by an authorized agent of the
25 department prior to the initial issuance of a hunting preserve
26 license. The hunting preserve may be reinspected by an agent
27 of the department at any reasonable time. A licensed hunting
28 preserve shall maintain adequate facilities for all designated
29 birds, and ungulates, or boars held under the hunting preserve
30 license.

31 Sec. 5. NEW SECTION. **484B.9A Boar transportation tags —**
32 **markings.**

33 The department shall prepare transportation tags suitable
34 for use upon the carcasses of boars. The tags shall be used to
35 designate all boars taken by hunters upon a licensed hunting

1 preserve. The department shall provide licensees with the
 2 tags. A boar taken on a licensed hunting preserve shall be
 3 tagged with a numbered tag prior to being removed from the
 4 hunting preserve. The hunter shall tag the boar taken in
 5 accordance with the rules as determined by the department. The
 6 tag shall remain attached to the carcass of the dead boar until
 7 processed for consumption. The hunter shall be provided with
 8 a bill of sale by the licensee. The bill of sale shall remain
 9 in the possession of the hunter. Boar tags issued to a hunting
 10 preserve are not transferable.

11 Sec. 6. Section 484B.12, Code 2011, is amended to read as
 12 follows:

13 **484B.12 Health requirements — ungulates and boars.**

14 All ungulates or boars which are purchased, propagated,
 15 confined, released, or sold by a licensed hunting preserve
 16 shall be free of diseases considered significant for wildlife,
 17 poultry, or livestock. The department of agriculture and land
 18 stewardship shall provide for the regulation of ~~farm~~ all of the
 19 following:

20 1. The health of boars which shall meet the same
 21 requirements as for other swine as provided in Title V,
 22 Subtitle 2, of the Code, including the prevention, control, and
 23 eradication of diseases afflicting swine.

24 2. Farm deer as provided in chapter 170.

25 Sec. 7. Section 717F.7, Code 2011, is amended by adding the
 26 following new subsection:

27 NEW SUBSECTION. 12A. A hunting preserve licensed pursuant
 28 to section 484B.5A, which confines a member of the species *sus*
 29 *scrofa linnaeus*, including but not limited to swine commonly
 30 known as a Russian boar or European boar of either sex.

31 Sec. 8. CONTINGENT EFFECTIVE DATE. This Act becomes
 32 effective on the date that a declaration by the secretary
 33 of agriculture stating that a hunting preserve may confine
 34 swine which is a member of the species *sus scrofa linnaeus*,
 35 including but not limited to swine commonly known as Russian

1 boar or European boar of either sex, is published in the Iowa
 2 administrative bulletin. The declaration shall be based upon a
 3 finding that hunting such swine confined in a hunting preserve
 4 contributes to the economic value of the state. The secretary
 5 shall deliver the declaration to the administrative code editor
 6 and the Iowa Code editor upon making the determination.

7

EXPLANATION

8 This bill provides that a hunting preserve may enclose swine
 9 belonging to the species *sus scrofa linnaeus* including but not
 10 limited to swine commonly known as a Russian boar or European
 11 boar of either sex (referred to in the bill as a boar).

12 Currently, a person is prohibited from owning a boar because
 13 its species is classified as a wild or dangerous animal
 14 under Code chapter 717F. The department of natural resources
 15 licenses hunting preserves which enclose captive-raised game,
 16 including game birds and ungulates under Code chapter 484B.

17 The bill provides restrictions upon keeping a boar as part
 18 of a hunting preserve, including maintaining boundary fences
 19 and posting warning notices to the public. The bill provides
 20 that a hunting preserve cannot keep a boar unless it has
 21 been born and reared in captivity. It provides that a boar
 22 must meet health requirements of other swine as regulated by
 23 the department of agriculture and land stewardship. It also
 24 provides for the same reporting requirements and transportation
 25 tags as for other game.

26 A person who violates a provision of Code chapter 484B
 27 is guilty of a simple misdemeanor. A simple misdemeanor is
 28 punishable by confinement for no more than 30 days or a fine of
 29 at least \$65 but not more than \$625 or by both.

30 The bill takes effect on the date that a declaration by the
 31 secretary of agriculture stating that a hunting preserve may
 32 confine such swine is published in the Iowa administrative
 33 bulletin.